

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case	5-CB-234657
Date Filed	1/23/19

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name Amalgamated Transit Union Local 1764		b. Union Representative to contact Aaron Duffy	
c. Address (Street, city, state, and ZIP code) 10000 New Hampshire Ave, Sliver Spring, MD. 20903-1706		d. Tel. No. 301-431-7100	e. Cell No. 443-815-1655
		f. Fax No. 301-431-7117	
		g. e-mail atulocal1764info@gmail.com	
h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b), subsections (1) and (list subsections) 8(B)(1) (A) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) The officers of local 1764 continues to make threats and harass union member (b) (6), (b) (7)(C) to the point where (b) (6) fear for (b) (6) life. The threats include texts messages telling members to disrespect (b) (6), (b) (7)(C). Also they are posting bogus charges on the union Board stating that (b) (6) is charge with being a disloyal member including a trial date. (b) (6), (b) (7)(C) is so fearful for (b) (6) life to the point (b) (6) had to file a (b) (6), (b) (7)(C) complaint.			
3. Name of Employer MV transportation		4a. Tel. No. 703-339-3220	b. Cell No. 202-256-7234
		c. Fax No. na	
		d. e-mail na	
5. Location of plant involved (street, city, state and ZIP code) 8101 Cinderbed RD Lorton VA 22079		6. Employer representative to contact Ray Robinson	
7. Type of establishment (factory, mine, wholesaler, etc.) Transportation	8. Identify principal product or service Transportation services		9. Number of workers employed 225
10. Full name of party filing charge (b) (6), (b) (7)(C)			
11. Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)		11a. Tel. No. na	b. Cell No. (b) (6), (b) (7)(C)
		c. Fax No. na	
		d. e-mail (b) (6), (b) (7)(C)	
12. DECLARATION I declare that I have read the above charge and that the statements (b) (6), (b) (7)(C) are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) (Print/type name and title or office, if any) (b) (6), (b) (7)(C) Address (b) (6), (b) (7)(C) Date 01/16/2019			Tel. No. na Cell No. same Fax No. na e-mail same

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450

June 20, 2019

(b) (6), (b) (7)(C)

Re: International Union, Security, Police, and
Fire Professionals of America, Local 555
(Hana Industries, Inc.)
Case No. 05-CB-234675

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that International Union, Security, Police, and Fire Professionals of America, Local 555 ("the Union") has violated the National Labor Relations Act.

Conditional Decision to Dismiss: Based on that investigation, I have concluded that further proceedings would not effectuate the purposes and policies of the Act and will dismiss your charge six months from this date unless a new meritorious charge is filed within that time alleging that the Union has engaged in other unfair labor practices that render the instant disposition inappropriate. Accordingly, I will hold your charge in abeyance for six months from the date of this letter. If a meritorious charge involving other unfair labor practices is filed against the Charged Party during that period, I will reconsider whether further proceedings on this charge are warranted. My reasons for conditionally deciding to dismiss this charge are as follows.

Your charge alleges that on or about January 4, 2019, the Union refused to process your grievance for arbitrary or discriminatory reasons or in bad faith. You provided evidence which established a Union representative informed you it would not process your grievance regarding the Employer's decision to bump you from an armorer post because you were not a member of the Union. Although the reason stated by the Union was based on your status as a non-member, it appears that the reason the Union was not proceeding with your grievance was because the Union was not the exclusive bargaining representative of the Employer's armorers. In contrast to cases finding it unlawful to refuse to process grievances based on membership status, it appears the Union determined it could not take your grievance because the grievance did not cover work encompassed in the relevant collective-bargaining agreement. Indeed, there is

evidence that the Union (b) (6), (b) (7)(C) has clarified to you that the Union was unable to proceed with your grievance because the armor classification to which you sought to return was not in the unit covered by the contract; and not based on your Union membership status. As a Union can only represent employees with issues related to the bargaining unit classifications it represents, in my view further proceedings are not warranted at this time. I therefore am refusing to issue complaint in this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **July 4, 2019**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than **July 3, 2019**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

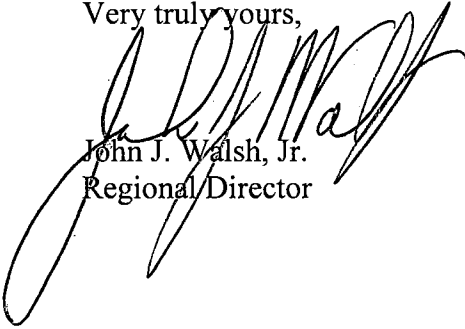
Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 4, 2019**. The request may be filed electronically through the **E-File Documents** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **July 4, 2019, even if it is postmarked or given to the**

International Union, Security, Police, and
Fire Professionals of America, Local 555
(Hana Industries, Inc.)
Case 05-CB-234675

- 3 -

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



John J. Walsh, Jr.
Regional Director

Enclosure

cc: Roger Mullins, Site Supervisor
Hana Industries, Inc.
1111 Constitution Avenue, N.W.
Washington, DC 20224

Gordon Gregory, General Counsel
International Union, SPFPA
Gregory, Moore, Brooks & Clark, PC
65 Cadillac Square, Suite 3727
Detroit, MI 48226

Gloria Scott, President, Local 555
International Union, Security, Police, and
Fire Professionals of America, Local 555
2701 W. Patapsco Avenue, Suite 107
Baltimore, MD 21230



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450

January 2, 2020

(b) (6), (b) (7)(C)

Re: International Union, Security, Police, and
Fire Professionals of America, Local 555
(Hana Industries, Inc.)
Case 05-CB-234675

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that International Union, Security, Police, and Fire Professionals of America, Local 555 has violated the National Labor Relations Act.

Decision to Dismiss: On June 20, 2019, I informed you I would dismiss this charge unless I decided that the Charged Party had committed additional violations of the Act that would make dismissal of your charge inappropriate. Since that has not happened, I am dismissing your charge.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn:**

Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on January 16, 2020. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than January 15, 2020. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before** January 16, 2020. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after January 16, 2020, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



Suzanne Sullivan
Acting Regional Director

International Union, Security, Police, and - 3 -
Fire Professionals of America, Local 555
(Hana Industries, Inc.)
Case 05-CB-234675

Enclosure

cc: Hana Industries, Inc.
 Attn: Roger Mullins, Site Supervisor
 1111 Constitution Avenue, N.W.
 Washington, DC 20224

International Union, Security, Police, and
Fire Professionals of America, Local 555
Attn: Gloria Scott, President
2701 W. Patapsco Avenue, Suite 107
Baltimore, MD 21230

Gordon A. Gregory, General Counsel
Gregory, Moore, Jeakle & Brooks, P.C.
65 Cadillac Square, Suite 3727
Detroit, MI 48226-2893